

exchanger warming the air flow;

wherein the second heat exchanger is capable of being connected upstream and is capable of being connected downstream from the first heat exchanger and the third heat exchanger is connected downstream of the first heat exchanger in relation to the air flow.

REMARKS

The Office Action indicates that claims 1-9 are currently pending. Applicants herein have amended claim 1 and canceled claims 2 and 9 without prejudice or disclaimer. Thus, claims 1, and 3-8 are now pending. A marked up version of the claims are attached in Appendix A. No new matter has been added by this Amendment. Applicants respectfully request reconsideration in view of the herewith presented amendments and remarks.

The Examiner has requested full translations of the foreign references to assist in meaningful examination of the claimed subject matter. Applicants have started the process of obtaining translations of the foreign references and will submit the references when the translations are finalized.

The Election Requirement

1. The Office Action indicates that the application contains claims directed to

the various patentably distinct species of the claimed invention, and requires Applicants (1) to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable, and (2) to identify all claims readable thereon.

Applicants elect to pursue prosecution of the species illustrated in FIG. 2, and submit that Claims 1, 4, 5, 6, and 8 read on this elected species, of which claim 1 is generic to all species identified in the Office Action.

Further, Applicants traverse the Election requirement and submit that (1) all groups of claims are properly presented in the same application, (2) undue diverse searching should not be required, and (3) all claims should be examined together. For example, claims 3-8 are all dependent claims that specify further limitations directed to different embodiments of the heating and air conditioning installation in claim 1. Applicants submit that the claimed invention and the embodiments represented in FIGS. 1-7 do not provide an indeterminate number of species for examination in the above-referenced application.

For at least the foregoing reasons, Applicants respectfully submit that the election requirement should be withdrawn.

Drawing Objections

2. The Examiner has objected to the drawings because the description of Figures 6a-6e and 7 in the specification makes reference to reference numerals which do not exist

in those Figures. The Office Action also indicates that some numerals from Fig. 1-5 are missing. Applicants have included herewith red-inked corrected versions of the drawings. Accordingly, Applicants seek the Examiner's approval of the proposed corrected drawings.

Rejection Under 35 U.S.C. §102

3. The Office Action rejects claims 1, 2, 4-6, and 8 under 35 U.S.C. §102(b), as being clearly anticipated by JP 2-41917. Specifically, the rejection is based on the comments written in German on "Blatt 2" of the PCT 210 form.

Applicants have amended claim 1 to clarify that the second heat exchanger, may be connected upstream from the first heat exchanger. However, in FIG. 2 of the reference JP 2-41917, the evaporator 52, which the Examiner alleges is functionality similar to the second heat exchanger 22, is situated immediately downstream from the first heat exchanger. Further, the English abstract of JP 2-41917 teaches away from placing an evaporator in the upstream position from the cooling water of the engine. Specifically, the reference states that the purpose of JP 2-41917 is accomplished by, "...providing a cooling medium evaporator for a heater in the downstream of a hot water heater in a ventilating duct...".

In contrast, as claimed by the Applicants in claim 1, the second heat exchanger, which acts to cool the air flow, is capable of being positioned upstream and is capable of being positioned downstream from the first heat exchanger as in FIG. 1 and FIG. 2, respectively. Applicants respectfully traverse the rejection and submit that the reference cited does not

anticipate the above claims.

The Office Action indicated that claims 1, 2, 7, and 8 have been rejected under 35 U.S.C. §102(b), as being clearly anticipated by EP 0 888 912. Specifically, the rejection is based on the comments written in German on “Blatt 2” of the PCT 210 form.

The reference EP 0 888 912 discloses that the heat exchangers 14, and 13, which the Examiner alleges are functionality similar to the second and third heat exchangers, are both positioned upstream from the heat exchanger 12. The Examiner alleges that heat exchanger 12 in EP 0 888 912 is functionally similar to the first heat exchanger 12 illustrated in FIG. 1 of the reference.

In contrast, the Applicants’ claim 1 recites that the second heat exchanger is capable of being connected upstream and capable of being connected downstream from the first heat exchanger and the third heat exchanger is positioned downstream from the first heat exchanger. Applicants respectfully traverse the rejection and submit that the reference cited does not anticipate the above claims.

The Office Action indicated that claims 1, 2, and 8 have been rejected under 35 U.S.C. §102(b), as being clearly anticipated by EP 0 913 281. Specifically, the rejection is based on the comments written in German on “Blatt 2” of the PCT 210 form.

As illustrated in FIG 1A. of the EP 0 913 281 reference, heat exchangers 24 and 15 are connected in line in the same circuit. The Applicants, on the other hand, claim that the three heat exchangers, are situated in three circuits under the influence of an airflow. Applicants

respectfully traverse the rejection and submit that the reference cited does not anticipate the above claims.

The Office Action indicated that claims 1, 2, 7, and 8 have been rejected under 35 U.S.C. §102(b), as being clearly anticipated by JP 59-143716. Specifically, the rejection is based on the comments written in German on “Blatt 2” of the PCT 210 form. Applicants respectfully traverse the rejection and submit that the reference cited does not anticipate the above claims.

The reference JP 59-143716 teaches a group of three heat exchangers consisting of a primary heater connected to the engine, a primary cooler, and a third auxiliary cooler. The reference teaches two heat exchangers acting to cool an air flow, and a single heat exchanger that acts as a heater core. On the other hand, in claim 1 the Applicants disclose the use of three heat exchangers, one of which may cool an air flow, while two may heat the air flow. Applicants respectfully traverse the rejection and submit that the reference cited does not anticipate the above claims.

Applicants respectfully submit that for claims to be anticipated by a reference in terms of 35 U.S.C § 102, every element of the claimed invention must be identically shown in a single reference and arranged as in the claims under review, either expressly or inherently described. Since every element of the claimed invention is not identically shown and arranged as in the prior art references, reconsideration and withdrawal of the rejection is respectfully requested.

Rejection Under 35 U.S.C. §103

4. The Examiner has rejected claims 3 and 9 under 35 U.S.C. §103(a) as being unpatentable over any of the prior art as applied to claims 1 and 2 above, and further in view of DE 3401207 or Uchikawa US 6,305,465.

Please refer to the arguments made above regarding the prior art references cited above. Applicants submit that Claim 3 is allowable at least as being dependent on claim 1. That is, Applicants submit that the references DE 3401207 and Uchikawa in combination with the prior art references applied in the Office Action to claims 1 and 2 do not teach or suggest a combination comprising three heat exchangers positioned and functioning as the heating and air conditioning installation disclosed in claim 1. Claim 9 has been canceled without prejudice or disclaimer. Therefore, Applicants respectfully request that this ground of rejection be withdrawn.

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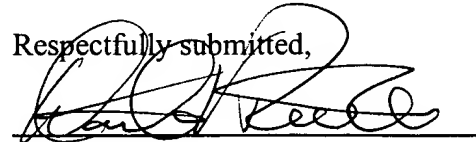
CONCLUSION

In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application is in condition for allowance. Accordingly, such action is respectfully requested. The Examiner is invited to contact the undersigned at the telephone number provided if it will advance the prosecution of this application.

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APPENDIX A

(Version With Markings To Show Changes Made In The Specification)

IN THE SPECIFICATION

Please replace the paragraph beginning on page 12, line 27 with the following:

In Fig. 6a, a three-way valve 35, which can selectively apply to on of the fluid circuits 20, 30 or both fluid circuits 20, 30 in respective proportions, is connected downstream of the fluid delivery means, or compressor, 25 in terms of fluid-flow technology. For the third fluid circuit 20 used for heating purposes, a throttle point 36 in the form of an expansion valve is arranged downstream of the three-way valve 35. The third heat exchanger 32, which is used as an after-heater [the] for the engine-side fluid-circuit heat exchanger, is located further downstream. A non-return valve 31 is furthermore provided at the interface with the second fluid circuit 20 used for cooling purposes.

Please replace the paragraph beginning on page 13, line 15 with the following:

In the embodiment shown in Fig. 6e, two three-way valves 34, the respective inlet or outlet of which are designed as throttle points toward the third fluid circuit 30, are provided one on each side of the fluid-delivery or application means 25.

IN THE CLAIMS:

Please CANCEL claims 2 and 9 without prejudice or disclaimer.

Please AMEND claim 1 as follows:

1. (Amended) A heating and air conditioning installation for a vehicle [having]
comprising:

a first fluid circuit comprising a first heat exchanger, said first heat
exchanger warming an air flow by transferring heat from the engine;

a second fluid circuit comprising a second heat exchanger, said second
heat exchanger cooling the air flow;

a third fluid circuit comprising a third heat exchanger, said third heat
exchanger warming the air flow;

wherein the second heat exchanger is capable of being connected upstream
and is capable of being connected downstream from the first heat exchanger and[/or] the third
heat exchanger is connected downstream of the first heat exchanger in [terms of] relation to the
air flow [technology].